

CITY COUNCIL AGENDA
December 2, 2019
7:30p.m.

The meeting convenes at City Hall, in Council Chambers, 1st Floor, 538 N. Market Street, Wooster, Ohio.

- I. ROLL CALL & ORDERING OF AGENDA**
- II. APPROVAL OF MINUTES**
- III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**
Committee appointment requests
- IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**
- V. COMMITTEE REPORTS; PUBLIC HEARINGS**
Public Hearing – Health Care Facilities Revenue Bonds
- VI. UNFINISHED BUSINESS**
 1. Second Reading – **AMENDED** RESOLUTION NO. 2019-60
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO CONTRACT WITH COMMUNITY ACTION OF WAYNE/MEDINA COUNTIES FOR THE PROVISION OF TRANSPORTATION SERVICES FOR QUALIFIED PARTICIPANTS, **AND DECLARING AN EMERGENCY** (Myers)
 2. Second Reading – ORDINANCE NO. 2019-22
AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020, AND DECLARING AN EMERGENCY (Ansel)
 3. Second Reading - RESOLUTION NO. 2019-61
A RESOLUTION GRANTING APPROVAL OF THE ISSUANCE BY THE COUNTY OF MONTGOMERY, OHIO OF ITS REVENUE BONDS, A PORTION OF THE PROCEEDS OF WHICH WILL BE USED TO FINANCE AND REFINANCE FACILITIES OWNED AND OPERATED BY LIFECARE HOSPICE LOCATED WITHIN THE CITY OF WOOSTER, OHIO; AND DECLARING AN EMERGENCY (Ansel)
 4. Second Reading – ORDINANCE NO. 2019-23
AN ORDINANCE ADOPTING A RED FLAG POLICY AND ESTABLISHING AN IDENTITY THEFT PREVENTION PROGRAM FOR THE DEPARTMENTS OF UTILITIES AND FINANCE, AND DECLARING AN EMERGENCY (Sanders)
 5. Second Reading – RESOLUTION NO. 2019-67
A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING COMMUNITY REINVESTMENT ACT AGREEMENTS (Ansel)
 6. Second Reading – RESOLUTION NO. 2019-68
A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS (Ansel)

7. Second Reading – RESOLUTION NO. 2019-69
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT TO JOIN BUCKEYE OHIO RISK MANAGEMENT ASSOCIATION BENEFITS POOL (BORMA) FOR THE FURNISHING AND ADMINISTRATION OF EMPLOYEE HEALTHCARE BENEFITS (Ansel)
8. Second Reading – RESOLUTION NO. 2019-70
A RESOLUTION APPOINTING A REPRESENTATIVE AND ALTERNATE TO SERVE ON THE BOARD OF DIRECTORS OF THE BUCKEYE OHIO RISK MANAGEMENT ASSOCIATION BENEFITS POOL (BORMA) (Ansel)

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2019-24
AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL ESTATE AND DECLARING AN EMERGENCY (Warden)
2. First Reading – ORDINANCE NO. 2019-25
AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL ESTATE AND DECLARING AN EMERGENCY (Warden)
3. First Reading – ORDINANCE NO. 2019-26
AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)
4. First Reading – ORDINANCE NO. 2019-27
AN ORDINANCE TO AMEND SECTION 743 OF THE CODIFIED ORDINANCES REGARDING REGULATION OF TAXICABS (Sanders)

VIII. MISCELLANEOUS

IX. ADJOURNMENT



Robert F. Breneman, Mayor

CITY OF WOOSTER

538 N. Market Street
P.O. Box 1128
Wooster, Ohio 44691-7082

Lynne DePaulo

Administration Assistant
Phone: (330) 263-5242
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Email: ldepaulo@woosteroh.com

Memo

To: Wooster City Council
From: Mayor Bob Breneman
Date: November 25, 2019
Re: Boards & Commissions Appointments

CIVIL SERVICE COMMISSION	TERM PERIOD
Reg Kramer, 1536 Burbank Road	1/1/2020 – 12/31/2025
HOSPITAL BOARD OF GOVERNORS	
Greg Long, 857 E. Highland	1/1/2020 – 12/31/2023
TAX INCENTIVE REVIEW COUNCIL	
Adam Briggs, 375 Caldwell	1/1/2020 – 12/31/2022
COMMUNITY REINVESTMENT AREA HOUSING	
Jennifer Warden, 637 Gasche	1/1/2020 – 12/31/2022
Mark Cavin, 324 Palmer Street	1/1/2020 – 12/31/2022

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the City Council of the City of Wooster, Ohio (the "City") on Monday, December 2, 2019 at 7:30 p.m., or as soon thereafter as the matter can be heard, and will be held in City Hall, in Council Chambers, 1st Floor, 538 N. Market Street, Wooster, Ohio 44691, with respect to the proposed issuance by the County of Montgomery, Ohio (the "Issuer") of the Issuer's revenue bonds (the "Bonds") in one or more series in the maximum aggregate principal amount of \$65,000,000, to assist Ohio's Hospice, Inc., an Ohio nonprofit corporation (the "Corporation") and certain affiliates of the Corporation (collectively the "Borrowers") in financing or refinancing the acquisition, construction, installation, equipping, furnishing and improvement of certain health care and related facilities constituting "hospital facilities" (as defined in Section 140.01 of the Ohio Revised Code) and located at various locations in the State of Ohio. The Bonds will be qualified 501(c)(3) bonds, as defined in Section 145 of the Internal Revenue Code of 1986, as amended (the "Code") and the proceeds of the Bonds will be made available to one or more Borrowers and used by such Borrowers to, among other things: (a) refinance certain outstanding indebtedness of the Borrowers, the proceeds of which were used to finance or refinance the acquisition, construction, improvement, renovation and/or equipping of the facilities known as "LifeCare Hospice", owned and principally used by LifeCare Hospice and located at 1900 Akron Rd., Wooster, Ohio 44691 and 1936 Akron Road, Wooster, Ohio 44691 (the "Facilities"); (b) finance the costs of certain capital expenditures for the expansion, improvement, renovation and/or equipping of the hospice and related facilities at the Facilities (such Facilities and other assets described in clauses (a) and (b) are collectively referred to herein as the "Project"); (c) fund a debt service reserve fund for the Bonds; (d) pay interest on all or a portion of the Bonds; and (e) pay costs of issuing the Bonds. The portion of the Bonds allocable to the Project is not expected to exceed \$10,000,000.

LifeCare Hospice, an affiliate of the Corporation, will be the initial owner and principal user of the Project.

THE BONDS WILL BE SPECIAL OBLIGATIONS OF THE ISSUER AND WILL NOT CONSTITUTE A DEBT OR PLEDGE OF THE FAITH AND CREDIT OR THE TAXING POWER OF THE ISSUER OR THE CITY.

Interested persons are invited to attend this public hearing and will be given an opportunity to express their views concerning the proposed issuance of the Bonds by the Issuer and the Project to be financed or refinanced thereby. Written comments may also be given by submitting them prior to the public hearing to Lynne DePaulo, Clerk of Council, City Hall, 538 N. Market Street, Wooster, Ohio 44691, and clearly marked "Re: County of Montgomery, Ohio Health Care Facilities Revenue Bonds (Ohio's Hospice, Inc. Obligated Group)", prior to the public hearing. This notice is given pursuant to Section 147(f) of the Code.

Lynne DePaulo, Clerk of Council

AMENDED
RESOLUTION NO. 2019-60

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO CONTRACT WITH COMMUNITY ACTION OF WAYNE/MEDINA COUNTIES FOR THE PROVISION OF TRANSPORTATION SERVICES FOR QUALIFIED PARTICIPANTS, *AND DECLARING AN EMERGENCY*

WHEREAS, for more than ten years the municipal government has subsidized a program of transportation services for qualified participants; and

WHEREAS, the Community Action of Wayne/Medina Counties (CAW/M) has administered a program on behalf of the municipal government for transportation services for certain qualified City of Wooster residents; and

WHEREAS, this Council deems that prompt action is necessary to continue to afford this needed service to city residents; and the cost of such services is budgeted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. The Director of Administration is authorized to contract with CAW/M for the provision of transportation services to qualified participants through the management and administration of the city's Taxi Pass Program.

SECTION 2. The cost of such contract/project will not exceed the amount budgeted in the 2020 Appropriations Budget.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 4. ~~This Resolution shall take effect and be in force from and after the earliest period allowed by law.~~ *This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City, and for the further reason that this resolution is required to be immediately effective in order to provide for the continuance of public transportation to the residents of this City; wherefore, this resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor, provided it receives the affirmative vote of at least three-fourths of the members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.*

1st Reading: 11-18-19 2nd Reading: _____ 3rd Reading: _____

Passed: _____ Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2019
Mayor

Introduced by: Scott Myers

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Recreation/Community Services	Meeting Date Requested 11/18/2019
Project Name Subsidized Transportation Progra	Estimated Total Funds/Costs \$600,000.00
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
Description of Request Requesting a resolution authorizing the Director of Administration to contract with Community Action of Wayne/Medina Counties for the provision of transportation services for qualified participants. This contract would be over \$50,000 and is a budgeted item for 2020. In an effort to promote transportation services in the City of Wooster, Community Action of Wayne and Medina Counties (CAW/M) would remain the administrator of the Transportation Pass Program for the residents of the City of Wooster. The Mobility Manager, a grant funded position through ODOT, operates through CAW/M and will oversee the program, grant funding available through the proposed subsidy and partnerships with local agencies and transportation companies. The contract with CAW/M would be renewed and the City of Wooster would continue to subsidize the program, being billed monthly for transportation passes, administrative fees and transportation company grants.	
Justification / Benefits The proposed contract would include subsidizing: ? Passes for Low Income, Elderly, Disabled and Veteran Residents ? Passes for Low Income Clients of Social Service Agencies ? Passes for Wheelchair-Accessible Transportation ? Passes for Employment and Education to include Day Care stops ? Passes for Non-Profit Summer Learning and After School programs ? Mini- grants for Transportation Companies that would assist in bringing vehicles up to code in addition to proper training and licensing for employees. ? Expand and improve existing fixed route systems.	
Will this Project affect the City's Operating Costs No	
What Alternatives Exist and what are the Implications of the Alternatives Full price transportation which is often times not affordable to the populations that are served through this program.	
Is this a Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain The Circumstances: Community Action of Wayne/Medina holds the Mobility Manager grant through ODOT and is the overseeing organization of transportation in Wayne County.	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Ashley Hershberger	Date: 10/28/2019

Approved for Agenda Yes No

ORDINANCE NO. 2019-22

AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020, AND DECLARING AN EMERGENCY

WHEREAS, the Charter of the City of Wooster provides, at §6.04, that no later than the second regular meeting of November, the Mayor will prepare and present to the City Council for adoption an annual Appropriation Ordinance providing for the expenses of the municipal government for the coming fiscal year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That to provide for the current expenses and other expenditures of the City of Wooster for the Fiscal Year ending December 31, 2020, the following appropriations (detailed copy attached hereto) are hereby authorized.

SECTION 2. The budget approved by Council and the appropriation of funds to implement the budget represent the estimated expenditures needed to administer programs approved for the coming fiscal year. The budget is a work plan of the estimate of future needs for a given program as determined by Council when the budget is adopted.

In adopting the budget, Council recognizes that conditions may change during the fiscal year that may call for staff reductions or increases depending upon the facts in each instance.

In recognition of this fluid, constantly changing condition, the Mayor shall review requests for additional positions and for filling vacant positions within the limitations of the budget. After making a study of each request, he shall have the authority to approve, disallow or postpone such requests for additional personnel. In addition, he shall be responsible for resolving questions related to the staffing pattern of each department and division as determined by Council action on the annual budget.

Personnel requests in excess of the annual budget shall be studied and recommendations developed for the consideration of Council.

The Mayor shall be responsible for ascertaining that personnel requirements do not exceed those included or implied in the budget and/or Appropriation Ordinances.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for

the further reason that prompt action is necessary in order to commence and complete the various projects at the earliest possible time for the convenience and enjoyment of the general public; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 11-18-19 2nd reading _____ 3rd reading _____

Passed: _____, 2019 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2019 _____
Mayor

Introduced by: Jon Ansel

RESOLUTION NO. 2019-61

A RESOLUTION GRANTING APPROVAL OF THE ISSUANCE BY THE COUNTY OF MONTGOMERY, OHIO OF ITS REVENUE BONDS, A PORTION OF THE PROCEEDS OF WHICH WILL BE USED TO FINANCE AND REFINANCE FACILITIES OWNED AND OPERATED BY LIFECARE HOSPICE LOCATED WITHIN THE CITY OF WOOSTER, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the County of Montgomery, Ohio (the "Issuer"), as a public hospital agency, as defined in Chapter 140 of the Ohio Revised Code (the "Act") is empowered to acquire, construct, improve and equip hospital facilities, as defined in the Act and issue its revenue bonds to pay costs of hospital facilities; and

WHEREAS, the Issuer intends to issue its revenue bonds in one or more series (the "Bonds") for the purposes of (a) refinancing certain revenue bonds and other indebtedness issued for the benefit of, or incurred by, Ohio's Hospice, an Ohio nonprofit corporation (the "Corporation") and certain affiliates of the Corporation (collectively, the "Borrowers"), including LifeCare Hospice, an Ohio nonprofit corporation ("LifeCare") (collectively, the "Prior Debt"), the proceeds of which Prior Debt were used to finance or refinance the costs of acquiring, constructing, remodeling, renovating, enlarging, equipping and furnishing hospital facilities as defined in the Act, (b) financing or refinancing the acquisition, construction, installation, equipping, furnishing and improvement of certain hospice and related health care facilities constituting "hospital facilities" (as defined in the Act) for various facilities owned and operated by the Borrowers, (c) funding a debt service reserve fund for the Bonds, (d) paying interest on the Bonds and (e) paying certain costs of issuing the Bonds; and

WHEREAS, a portion of the proceeds of the Prior Debt was used to finance or refinance, and a portion of the proceeds of the Bonds may be used to finance, the LifeCare Hospice facility (the "Wooster Facility") operated by LifeCare, which Wooster Facility is located in the City of Wooster, Ohio (the "City");

WHEREAS, because the Wooster Facility is not situated within the immediate jurisdiction of the Issuer, as prerequisites to the Issuer issuing the Bonds, it is necessary: (i) to obtain "host approval" pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and the Treasury Regulations thereunder from the City and (ii) for the City to enter into a Public Hospital Agencies Agreement with the Issuer and one or more other "public hospital agencies" within the meaning of the Act in order to jointly associate for the purpose of issuing revenue bonds, including the Bonds, to finance and/or refinance the Borrowers' facilities within their respective boundaries (the "Public Hospital Agencies Agreement"); and

WHEREAS, at least seven days prior to the date hereof, a notice of public hearing was published in The Daily Record setting forth a general, functional description of the type and use of the Wooster Facility to be financed and refinanced, the maximum principal amount of the Bonds, the maximum principal amount of the Bonds allocable to the Wooster Facility, the initial owner, operator or manager of the Wooster Facility and the location of the Wooster Facility, among other things; and

WHEREAS, this Council of the City of Wooster, Ohio has conducted a public hearing on the date hereof regarding the issuance by the Issuer of the Bonds and the facilities to be financed and refinanced thereby; and

WHEREAS, the desires to assist in facilitating the issuance of the Bonds by providing "host approval" (as provided for in the Code) and by entering into a Public Hospital Agencies Agreement with the Issuer and other "public hospital agencies" within the meaning of the Act in compliance with the provisions of the Act;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL (the "Council") OF THE CITY OF WOOSTER, OHIO:

SECTION 1. This Council hereby approves the issuance of the Bonds by the County of Montgomery, Ohio.

SECTION 2. That the appropriate officers of the City be and they are hereby authorized to negotiate the terms of, and the Mayor of the City is hereby authorized to execute and deliver, a Public Hospital Agencies Agreement with the Issuer and one or more other "public hospital agencies" within the meaning of the Act in order to facilitate compliance with the Act, enabling the Issuer to issue the Bonds.

SECTION 3. That the appropriate officers of the City of Wooster, Ohio, be and they hereby are authorized to execute and deliver on behalf of the City of Wooster, Ohio such other certificates, documents and instruments that may be necessary in connection with the issuance of the Bonds and delivery of the Public Hospital Agencies Agreement.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That all resolutions or parts thereof in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed.

SECTION 6. The Bonds shall not be a debt, obligation or liability of the County and are special, limited obligations of the Issuer payable solely from proceeds of the Bonds or funds made available by the Corporation.

SECTION 7. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Resolution is required to be immediately effective in order to expeditiously facilitate the marketing of the Bonds and ultimately the issuance of the Bonds through the Issuer, which issuance is necessary to provide long-term financing and refinancing of the Wooster Facility at the lowest possible interest cost to LifeCare; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.



CITY OF WOOSTER
538 N. Market Street
P.O. Box 1128
Wooster, Ohio 44691-7082

Andrei A. Dordea, CPA
Director of Finance
Phone: (330) 263-5225
Fax: (330) 263-5262
Email: adordea@woosteroh.com

November 14, 2019

Gentlepersons:

LifeCare Hospice in Wooster is an affiliate of Ohio's Hospice located in Montgomery County Ohio. Montgomery County will be issuing debt for Ohio's Hospice on behalf of LifeCare Hospice, Wooster [similar to what we did for West View Healthy Living]. Ice Miller is representing Ohio's Hospice as bond counsel. They have reached out to us to provide the local "TEFRA" approval for the bonds issued by Montgomery County for LifeCare Hospice, Wooster.

Unlike the West View Healthy Living bond issuance, this request is merely for approval of the issuance of the bonds by Montgomery County for a project located in Wooster City limits. "TEFRA" refers to federal tax law that requires such local approvals as a condition of the bonds being issued.

The Resolution before you does two things: (1) grants "TEFRA" approval for federal tax purposes, and (2) authorizes the Mayor to sign a "Public Hospital Agencies Agreement", which is required under state law (Chapter 140). A public hearing will need to be held regarding this matter as well. This will be held at the December 2, 2019 Council Meeting.

As with the West View Healthy Living bonds, the City's approval will have NO impact on our debt capacity, no City funds are involved or at risk, and we assume no liability for the bonds.

A representative from both Ice Miller and LifeCare Hospice will be here to answer any questions Monday evening.

Have a great weekend, and see you Monday evening!

Warmest regards,

Andrei A. Dordea, CPA
Director of Finance

AAD/jm

ORDINANCE NO. 2019-23

AN ORDINANCE ADOPTING A RED FLAG POLICY AND ESTABLISHING AN IDENTITY THEFT PREVENTION PROGRAM FOR THE DEPARTMENTS OF UTILITIES AND FINANCE, AND DECLARING AN EMERGENCY

WHEREAS: Pursuant to federal law the Federal Trade Commission (the "FTC") adopted so-called "Red Flag Rules," 16 CFR § 681.2, requiring "creditors" to adopt an Identity Theft Prevention Program to detect, prevent and mitigate incidents of identity; and

WHEREAS: For purposes of the Red Flag Rules, a creditor is defined as a person or entity that extends, renews or continues credit, which includes deferring payment for goods and services; and

WHEREAS: The Red Flag Rules include utility companies in the definition of creditor; and

WHEREAS: The City of Wooster (the "City") is a creditor under the Red Flag Rules by virtue of providing water services and deferring payment for said services through periodic billing; and

WHEREAS: In order to be in compliance with federal law and to help protect the citizens of Wooster against identity theft, this Council hereby adopts the City of Wooster Identity Theft Prevention Program for the Departments of Utilities and Finance.

SECTION 1. The City of Wooster hereby adopts the Identity Theft Prevention Program for the Department of Waste Water Treatment attached hereto as "Exhibit A" and incorporated as if fully rewritten.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this ordinance occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to adopt the Identity Theft Prevention Program for the Departments of Utilities and Finance to be in compliance with federal law and to help protect the citizens of Wooster against identity theft.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

1st reading 11-18-19 2nd reading _____ 3rd reading _____

Passed: _____, 2019 Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2019

Mayor

Introduced by: Craig Sanders

**CITY OF WOOSTER IDENTITY THEFT PREVENTION PROGRAM
FOR THE DEPARTMENTS OF UTILITIES AND FINANCE**

The City of Wooster (“City”) has approved and adopted this Identity Theft Prevention Program (“Program”). This Program has been developed in accordance with the Federal Trade Commission’s Identity Theft Prevention Red Flag Rules (16 CFR § 681.2). This Program has been created after conducting an assessment of the risk of Identity Theft associated with certain accounts that arise as a result of providing waste water treatment to properties within the City.

I. Definitions

For purposes of the Program, the following terms are defined as:

- A. “Consumer” means the holder of a Covered Account.
- B. “Covered Account” means (i) any account that the City offers or maintains primarily for personal family or household purposes which involves multiple payments or transactions or one or more deferred payments and (ii) any other account the City identifies as having a reasonably foreseeable risk to customers. The City has identified Covered Accounts for purposes of this Program as being all accounts for which the City provides water and sewer services and bills the Consumer periodically at a time subsequent to said services.
- C. “Department Billing Personnel” means any employee of the City that work with, or is responsible for, the billing for services provided by the Department of Utilities.
- D. “Identity Theft” means fraud committed using the identifying information of another person.
- E. “Red Flags” mean a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

II. Program Purposes

The purposes of the Program are to:

- 1) Identify the relevant Red Flags based on the risk factors associated with the City’s Covered Accounts;
- 2) Institute policies and procedures for detecting Red Flags;
- 3) Identify steps the City, its administration, and/or outside service providers will take to prevent and mitigate Identity Theft; and
- 4) Create a system for regular updates and administrative oversight of the Program.

III. Identification of Red Flags

Red Flags generally fall within one of the following four general categories:

- 1) Suspicious documents;
- 2) Suspicious personal identifying information;
- 3) Suspicious or unusual use of a Covered Account; and
- 4) Alerts from others (e.g. customer, Identity Theft victim, or law enforcement).

“Column A” of the attached Appendix is a list of some Red Flags that would be most relevant to the City for purposes of the services provided by the City’s Department of Utilities.

IV. Detection of Red Flags

A. Creation of Accounts

1. The City of Wooster Finance Department obtains the following information in order to create a Covered Account:
 - a) Name of Consumer;
 - b) Address of property serviced by the account;
 - c) Mailing address of account holder; and
 - d) Division of Water account number.

B. Detecting Red Flags

1. Because Finance Department Billing Personnel create accounts solely from the information provided by the Consumer, Red Flags will most likely arise, if ever, from information obtained, or communications received, by the Finance Department Billing Personnel after the Covered Account has been opened. When Finance Department Billing Personnel become aware of any Red Flags, including those set forth in “Column A” of the attached Appendix, they shall follow the procedures set forth below in this Program policy.
2. Notwithstanding the foregoing, when a Covered Account is opened and the billing address is different than the address of the property which is serviced by the utility, Department Billing Personnel shall notify the individual or business at the billing address that such account has been opened and that the address is being used for billing purposes. Such notification may be accomplished by written correspondence either by regular mail, e-mail or by telephone. If contact is made by phone, Personnel shall make a written record of the contact.

V. Preventing and Mitigating Identity Theft

- A. When a Red Flag arises, Finance Department Billing Personnel will take appropriate steps to investigate the Red Flag to determine if there is credible evidence of Identity Theft. Such steps are set forth in “Column B” of the attached Appendix.

- B. If credible evidence of Identity Theft is found, the Director of Finance shall be notified of the situation immediately by Finance Department Billing Personnel. The Director of Finance shall instruct on the appropriate steps to prevent the continuation of the Identity Theft and to mitigate damages arising from the Identity Theft. Such steps may include:
 - 1) Informing the individual whose identity has been used and assisting that individual in taking actions to mitigate damage from the Identity Theft, such as providing information to third parties, if requested to do so by the individual.
 - 2) Stop billing and collections actions against the Identity Theft victim.
 - 3) Notify law enforcement.
 - 4) Any other action deemed appropriate by the Director of Finance or Mayor.

- C. Future Outside Service Providers
 - 1. On the effective date of this Program, the City does not use an outside service provider (“Service Provider”) for Consumer billing, except for printing and mailing services.
 - a. With respect to printing and mailing services, the City shall ensure that the Service Provider has a policy in place to prevent theft of the personal identifying information contained on the City’s invoices for its Covered Accounts which are in the possession of the Service Provider.

 - 2. If the City decides to use Service Provider for Consumer billing after the adoption of this Program, the City will require each Service Provider to implement its own Identity Theft prevention policy in accordance with the FTC’s Red Flag Rules. The City will review the Service Provider’s policy and will require changes to said policy, as it pertains to the City’s billing accounts, when needed.

3. The Service Provider's policy shall include the following provisions:
 - a.) That all Red Flags be responded to in accordance with the Service Provider's Identity Theft prevention policy.
 - b.) That all Red Flags which are not reconciled upon initial review by the Service Provider staff shall be escalated to supervisory staff for further investigation.
 - c.) That when there is verification of a Red Flag by the supervisory staff, and it appears that there is credible evidence that Identity Theft has occurred, the Service Provider shall inform the City of such in writing and take action on the account only in accordance with the City's direction.
4. The City will designate a supervisory level employee in the City's Administration to be responsible for coordinating with the Service Provider and other City employees and officials on possible Identity Theft situations.

VI. Program Administration and Training

The City Director of Finance, with the assistance of the Director of Law, is responsible for developing, implementing, administering and updating the Program. The Director of Finance, or his/her designee, will be responsible for developing a training program for Department Billing Personnel and any other City employee identified by the Director of Finance as having a role in implementing the Program. Training on this Program shall occur upon hiring of Department Billing Personnel and on an "as needed" basis thereafter. A record of training shall be kept by the Director of Finance.

VII. Updating of Program

The Director of Finance will periodically review the effectiveness of the Program and update the Program to reflect the addition or removal of Covered Accounts and changes in risks to Consumers from Identity Theft. An annual report shall be provided by the Director of Finance to the Mayor regarding significant incidents involving Red Flags and the City's response, the effectiveness of the Program, and recommendations for change.

Signed into effect by:

Robert Breneman
Mayor of the City of Wooster

Date

Adopted by City Council through Resolution No. _____

Date: _____

Passed: _____

Acknowledged by:

Andrei Dordea
Director of Finance

Date

APPENDIX

EXAMPLES OF IDENTITY THEFT RED FLAGS (Column A)	PREVENTION/MITIGATION PROCEDURES
Documents provided for identification appear to have been altered or forged.	Require account holder to provide additional satisfactory information to verify identity.
Complaint/inquiry from an individual based on receipt of a notice of service, a bill, or a delinquency notice for a property that is not owned, used, or under the responsibility of the individual.	Stop the billing process and investigate discrepancy.
Complaint/inquiry from an individual about information added to a credit report for utility services.	Stop the billing process and investigate discrepancy.
Complaint/inquiry from an individual about a lien placed upon his/her property for delinquent utility services.	Stop the billing process and investigate discrepancy.
Mail sent to the account holder address is returned repeatedly as undeliverable although account holder insists on using the address in connection with the account.	Investigate discrepancy.
Utility provider is notified of an identity theft by a Consumer, a victim of identity theft, a law enforcement authority, or any other person that has opened a fraudulent account for a person engaged in identity theft.	Stop billing on account and attempt to identify proper party on the account; cooperate with the victim.

RESOLUTION NO. 2019-67

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING COMMUNITY REINVESTMENT ACT AGREEMENTS

WHEREAS, Ohio Revised Code 5709.85 provides that annually the legislative authority, upon receipt of the written recommendations of the municipal tax incentive review council (TIRC), must vote to accept, cancel or modify all or any part of the TIRC's recommendations as to existing community reinvestment act (CRA) agreements for the past year; and

WHEREAS, the Wooster TIRC, after issuance of the statutorily-required public notice, met on November 13, 2019, and after reviewing existing city CRA agreements coming within its jurisdiction as of December 31, 2018, has recommended that all such agreements should be continued in effect.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. This City Council, after reviewing the recommendations of the Wooster TIRC (as per the letter attached hereto) as to existing CRA agreements coming within its jurisdiction, hereby indicates its acceptance and adoption of such recommendations.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this resolution occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 3. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

1st reading 11-18-19 2nd reading _____ 3rd reading _____

Passed: _____, 2019 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2019
Mayor

Introduced by: Jon Ansel

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

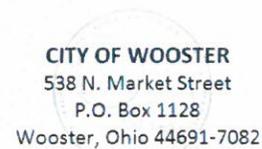
Non-Capital

Division Development	Meeting Date Requested November 18, 2019
Project Name TIRC Recommendations - CRA	Estimated Total Funds/Costs \$0.00
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded? <p style="text-align: center;">N/A - Non-Capital</p>	
Description of Request The 2018 City of Wooster's Tax Incentive Review Council (TIRC) convened on November 13, 2019 at 12:00pm to review the performance of each active 2018 Community Reinvestment Area (CRA) agreement. The TIRC meets annually to recommend Continuation, Modification, or Termination of commercial tax-abatement agreements to Wooster City Council. In accordance with ORC 5709.85, Wooster City Council is required to "vote to accept, reject, or modify all or any portion of the recommendations". The TIRC recommended continuance of 39 CRA agreements. One agreement was recommended for modification, known as 07-006 with MRR Properties for 140 S. Market Street, in which the abatement level should be formally dropped to 0%. (The abatement for this property has already ceased. The modification will be addressed with a separate legislation.) Please see the attached summary of recommendations, and please refer to the TIRC's meeting minutes provided with previously for the TIRC EZ recommendation legislation request. \$306,423 in real estate taxes were forgone in 2018, while \$262,206 in taxes were created or preserved. A total of 366 jobs were created or preserved and generated \$209,498 in city income taxes. This request will allow the City to remain compliant with State of Ohio law governing the municipality's ability to offer the Community Reinvestment Area program, one of 2,019 available in the State of Ohio. The intention of the CRA is to enable businesses to reinvest in a defined geography where private investment is otherwise weak and to create job opportunities.	
Justification / Benefits Action on this item allows the City of Wooster to remain compliant with its CRA Program which has enabled the City to competitively secure major industrial expansions in multi-state competitions. It is among the most popular and only economic development tool available for small non-primary businesses (such as retail). The CRA project is credited with the redevelopment of Downtown Wooster and provision of new residential housing opportunities.	
Will this Project affect the City's Operating Costs No.	
What Alternatives Exist and what are the Implications of the Alternatives Council may accept, reject, or modify all or any part of the recommendations, and make a determination for continuance, modification, or termination of any affected agreement(s).	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Passage before 12/31/2019 is recommended.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Jonathan Millea	Date: November 14, 2019

Approved for Agenda Yes No



**2018 Tax Incentive Review Council
MINUTES (DRAFT)
12:00 PM November 13, 2019
Council Chambers – City of Wooster
538 N. Market Street
Wooster, Ohio 44691**



IN ATTENDANCE: Members of the Tax Incentive Review Council present were: Kip Crain, Jennifer Warden, Hilary Carroll, Bob Breneman, Andrei Dordea. Absent were Jarra Underwood, Adam Briggs and Alicia Holford. Others in Attendance: Jonathan Millea (technical support staff to the TIRC), Bill Bostancic and Lynne DePaulo. Mr. Millea stated there was a quorum present.

BACKGROUND: Having worked to offer such incentives as the Enterprise Zone and Community Reinvestment Area tax abatement programs, the City of Wooster's Tax Incentive Review Council (TIRC) convenes annually to review each active agreement, examining factors such as property maintenance, tax compliance, job creation/retention, payroll creation/retention, and level of investment. Based on each participating firm's compliance with respective tax incentive agreements, the TIRC recommends to Wooster City Council the continuation, modification, or termination of agreements on an individual basis. Such review is required by Ohio Revised Code 5709.85 for any community offering certain real estate tax abatement.

The Community Reinvestment Area (CRA) program provides property owners making investments to rehabilitate existing buildings, or building anew, within the designated CRA, tax abatement on the improved value of the real estate, typically ranging from a negotiated 50 to 100 percent and ten to 12 years. Commercial CRA projects must commit to two full-time jobs and an investment of \$50,000 or \$100,000. The Commercial CRA is among the few incentives available in the State of Ohio to secondary employers (businesses that produce goods and/or services for the local community). Owners of single-family and duplexes must invest at least \$2,500. Similarly, the Enterprise Zone (EZ) program offers developers investing over \$100,000 and committing to at least 10 full-time jobs up to a 75 percent, 10-year abatement. Unlike the CRA, EZ incentives are available city-wide, but are restricted to primary employers (businesses that produce goods and/or services for customers that are predominantly outside the community).

1. INTRODUCTION

Chamber doors were opened to the public at 11:45 a.m. The meeting began promptly at 12:00 p.m. Mr. Millea welcomed the committee and stated they were here to review the projects. Each project has been assigned a symbol of green light (fully compliant), yellow light (missed target) and red light (non-compliant) in order to easily decide if discussion is needed.

2. APPROVAL TIRC MINUTES

Mr. Dordea motioned to approve the minutes from the November 26, 2018 minutes, seconded by Dr. Crain, Upon voice vote the motion passed.

3. ENTERPRISE ZONE AGREEMENTS – RETIRED/POST ABATEMENT

Mr. Millea reviewed the single retired abatement for ABS Materials. The abatement ended early in order to allow ABS Materials to sell the building to a new firm.

The following businesses are in post abatement status: Eldorado Stone LLC & Chesterland Estates; Westerman, Inc; COMPAK, Inc.; and TECHNIGRAPHICS INC. et al. These properties are inspected to be sure they are in compliance with zoning requirements.

No action was taken.

ENTERPRISE ZONE AGREEMENTS – ACTIVE

Each agreement was voted on individually in order to provide an opportunity for any committee members to abstain from voting if necessary.

EZ AGREEMENT 389-12-01: SEAMAN CORPORATION

Mr. Dordea made a motion, seconded by Mayor Breneman to recommend continuance of the abatement.

Upon voice vote the motion passed.

EZ AGREEMENT 389-13-01: LUK USA LLC

Dr. Crain made a motion, seconded by Mr. Dordea to recommend continuance of the abatement.

Ms. Carroll requested to abstain.

Upon voice vote the motion passed.

EZ AGREEMENT 389-13-01: MCCONNELL WOOSTER PROPERTIES dba BAUER CORPORATION

Ms. Warden made a motion, seconded by Mr. Dordea to recommend continuance of the abatement.

Upon voice vote the motion passed.

EZ AGREEMENT 389-14-01: DAISY BRAND LLC

Mr. Dordea made a motion, seconded by Dr. Crain to recommend continuance of the abatement.

Upon voice vote the motion passed.

EZ AGREEMENT 115C-14-01: DAISY BRAND LLC

Mayor Breneman made a motion, seconded by Dr. Crain to recommend continuance of the abatement.

Upon voice vote the motion passed.

EZ AGREEMENT 389-14-02: CERTIFIED ANGUS BEEF

Mr. Dordea made a motion, seconded by Dr. Crain to recommend continuance of the abatement.

Upon voice vote the motion passed.

EZ AGREEMENT 389-15-01: LUK USA LLC

Dr. Crain made a motion, seconded by Mayor Breneman to recommend continuance of the abatement.

Ms. Carroll requested to abstain.

Upon voice vote the motion passed.

EZ AGREEMENT 389-15-02: WOOSTER GROWTH / TEKFOR USA

Ms. Warden made a motion, seconded by Mr. Dordea to recommend continuance of the abatement.

Mr. Millea stated TEKFOR had missed the target for growth. Dr. Crain and Mayor Breneman both stated that employers are actively search for qualified employees.

Upon voice vote the motion passed.

EZ AGREEMENT 389-16-01: LUK USA LLC

Mr. Dordea made a motion, seconded by Dr. Crain to recommend continuance of the abatement.

Ms. Carroll requested to abstain.

Upon voice vote the motion passed.

EZ AGREEMENT 115C-14-01: DAISY BRAND LLC

Mr. Millea said that this agreement was fully compliant and still in its construction phase.

Mr. Dordea made a motion, seconded by Ms. Warden, to recommend continuance of the abatement.

Upon voice vote the motion passed.

EZ AGREEMENT 389-18-01: BAKER PROPERTIES MT. VERNON

Mayor Breneman made a motion, seconded by Mr. Dordea to recommend approval of the abatement.

Upon voice vote the motion passed.

COMMENTS ON EZ SUMMARY PAGE

Mr. Millea provided an overview of the Enterprise Zone impacts.

4. COMMUNITY REINVESTMENT AREA AGREEMENTS – RETIRED/POST ABATEMENT

CRA AGREEMENT 12-002: JUST BASIC SPORTS, INC. AND RETAIL RENTALS LLC

Mr. Millea shared that the Just Basic Sports Inc. and Retail Rentals LLC agreement had been retired following the firm's request and the City's mutual acceptance.

There was no action to be taken.

CRA AGREEMENTS – ACTIVE

CRA AGREEMENT 05-001: WOOSTER REPUBLICAN PRINTING COMPANY

Mr. Millea explained that the City had an active agreement with the company but that the firm no longer owned the project site having sold it to GateHouse Media, the nation's second largest publisher of daily newspapers. He said that the agreement was noncompliant.

Continuance was recommended because this preserves the City's ability to use the clawback provision. The agreement ended December 31, 2018.

Mr. Dordea made a motion, seconded by Mayor Breneman, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 06-001: MICHAEL R. ROSE

Mr. Dordea made a motion, seconded by Ms. Warden, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 06-002: LIBERTY MARKET PROPERTIES LLC

Mr. Millea stated this agreement was non-compliant, but recommended continuance.

Ms. Warden made a motion, seconded by Mayor Breneman, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 06-003: HAYNN CONSTRUCTION INC.

Mr. Dordea made a motion, seconded by Ms. Warden, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 06-004: COYOTE GROUP LLC

Ms. Warden made a motion, seconded by Mayor Breneman, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 06-005: GOLD STAR HOLDINGS, LLC

Mr. Dordea made a motion, seconded by Mayor Breneman, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 07-001: 544 LLC

Mayor Breneman made a motion, seconded by Mr. Dordea, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 07-002: CCCM REAL ESTATE LLC

Mr. Dordea made a motion, seconded by Ms. Warden to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 07-003: ST. PAUL HOTEL

Ms. Warden made a motion, seconded by Dr. Crain, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 07-004: GOLD STAR HOLDINGS LLC

Mr. Millea stated this agreement was originally in the name of Liberty Market and is pending transfer to Gold Star Holdings.

Mr. Dordea made a motion to continue the abatement upon receipt of a ratified agreement, seconded by Mayor Breneman.

Upon voice vote the motion passed.

CRA AGREEMENT 07-005: GENTRY ESTATES LLC

Ms. Warden made a motion, seconded by Dr. Crain, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 07-006: MRR PROPERTIES

Mr. Millea stated that the project's status was non-compliant and is out of agreement. The property has been sold and the new owner declined to petition for transfer. The committee has three options, modify, continue or terminate.

Mayor Breneman wondered if since Gold Star Holdings owns City Square whether the two could be blended to meet the state requirements. Mr. Millea said that since it is two separate buildings and operations they can not be tied together. Leaving the property out of agreement gives the city the opportunity to use the clawback provision if needed.

Ms. Warden motioned to modify the agreement to 0% abatement, seconded by Mr. Dordea.

Upon voice vote the motion passed.

CRA AGREEMENT 10-001: ST. PAUL HOTEL PROPERTIES

Mr. Dordea made a motion, seconded by Dr. Crain to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 10-002: ED HOWMAN (Previously Merchants Block LLC)

Mr. Dordea made a motion, seconded by Ms. Warden, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 11-001: CM PROPERTIES-WOOSTER LLC

Mr. Millea said that this property has missed the target due to their payroll running short. Mayor Breneman

said that this business is helpful to the downtown with the type of merchandise it provides.

Mayor Breneman made a motion, seconded by Ms. Warden, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 12-001: BRASFOND USA CORP.

Ms. Warden made a motion, seconded by Mr. Dordea, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 12-003: S & D REALTY, LLC

Mr. Dordea made a motion, seconded by Ms. Warden, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 12-004: TAJ INVESTMENTS LTD

Mr. Dordea made a motion, seconded by Dr. Crain, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 13-001: CONDOR PACIFIC PROPERTIES dba GOMAPLAST MACHINERY

Mr. Dordea made a motion, seconded by Ms. Warden, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 13-002: PALM HOUSE APARTMENTS II, LLC.

Mr. Dordea made a motion, seconded by Mayor Breneman, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 13-003: XCESS LIMITED LLC

Dr. Crain made a motion, seconded by Mr. Dordea to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 14-001: C&C WELLERT PROPERTIES LLC

Mr. Dordea made a motion, seconded by Ms. Warden, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 14-002: EKHO KOLE LLC

Mr. Dordea made a motion, seconded by Mayor Breneman, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 14-003: WOOTOWN PROPERTIES LLC

Ms. Warden made a motion, seconded by Mr. Dordea, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 15-001: LIBERTY STREET PARTNERS LTD

Mayor Breneman made a motion, seconded by Mr. Dordea, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 15-002: MORRISON ENTERPRISES LLC

Ms. Warden made a motion, seconded by Dr. Crain, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 16-001: THE MEMMER HOMES GROUP LLC AND GILCREST SENIOR WELLNESS AND FITNESS CENTER INC

Mr. Dordea made a motion, seconded by Mayor Breneman to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 16-002: NORTH POLE HOLDINGS LLC

Mr. Dordea made a motion, seconded by Ms. Warden, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 16-003: BRAIN POLEN AND TAMMY POLEN

Mr. Dordea made a motion, seconded by Mayor Breneman, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 16-004: WOOSTER FIT HOLDINGS

Mr. Dordea made a motion, seconded by Ms. Warden, to recommend continuance of the abatement.

Upon voice vote the motion passed.

CRA AGREEMENT 17-001: IALEXO LLC

Mr. Dordea made a motion, seconded by Ms. Warden, to recommend continuance of the abatement.

Upon voice vote the motion passed.

COMMENTS ON CRA OVERVIEW

Mr. Millea shared statistics on the 2018 CRA totals.

5. RESIDENTIAL CRA PROJECTS

The committee was given a compliance review summary to review at their leisure.

6. CONCLUDING REMARKS

Mayor Breneman asked if notifications were sent for agreements that would be going off the tax abatement.

Mr. Millea said currently no, but that was a good idea and will work on doing that.

7. ADJOURNMENT

Ms. Warden made a motion, seconded by Mayor Breneman, to adjourn the meeting.

Upon voice vote, the motion passed.

Mr. Millea thanked the council for giving their time to keep the programs running.

Respectfully Submitted:

Jonathan Millea, AICP
Development Coordinator /
Recording Secretary

RESOLUTION NO. 2019-68

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS

WHEREAS, Ohio Revised Code 5709.85 provides that the legislative authority, upon receipt of the written recommendations of the municipal tax incentive review council (TIRC), must vote to accept, reject or modify all or any part of the TIRC's recommendations as to existing enterprise zone (EZ) agreements; and

WHEREAS, the Wooster TIRC, after issuance of the statutorily-required public notice, met on November 13, 2019, and after reviewing existing city EZ agreements coming within its jurisdiction as of December 31, 2018, has recommended that all such agreements should be continued in effect.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. This City Council, after reviewing the recommendations of the Wooster TIRC (as per the letter attached hereto) as to existing enterprise zone agreements coming within its jurisdiction, hereby indicates its acceptance of such recommendations.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this resolution occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 3. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

1st reading 11-18-19 2nd reading _____ 3rd reading _____

Passed: _____, 2019 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2019
Mayor

Introduced by: Jon Ansel

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Development	Meeting Date Requested November 18, 2019
Project Name TIRC Recommendations - EZ	Estimated Total Funds/Costs \$0.00
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded? <p style="text-align: center;">N/A - Non-Capital</p>	
Description of Request The 2018 City of Wooster's Tax Incentive Review Council (TIRC) convened on November 13, 2019 at 12:00pm to review the performance of each active 2018 Enterprise Zone (EZ) agreement. The TIRC meets annually to recommend Continuation, Modification, or Termination of agreements to Wooster City Council. In accordance with ORC 5709.85, Wooster City Council is required to "vote to accept, reject, or modify all or any portion of the recommendations". The TIRC recommended continuance of all 11 active EZ agreements. Please see the attached summary of recommendations with the TIRC's meeting minutes. Among the active projects, \$455,155 in real estate taxes were forgone in 2018, while another \$1,054,615 was generated (inclusive of EZ-assisted properties that are no longer abated). A total of 2,468 jobs were created or preserved and generated \$2,556,159 in city income taxes. This request will allow the City to remain compliant with State of Ohio law governing the municipality's ability to provide incentives for economic development through the Enterprise Zone Program. The City of Wooster is just one of 66 cities in the State of Ohio to offer the Enterprise Zone Program. The program allows communities to strategically partner with businesses making significant investments by temporarily forgoing a portion of future created tax revenues. The program is reserved for "exporting" businesses.	
Justification / Benefits Action on this item allows the City of Wooster to remain compliant with its Enterprise Zone Program, which has enabled the City to competitively secure major industrial expansions in multi-state competitions. Today, active agreements impact approximately 10% of the City's workforce while generating \$2.55 M for the City government and served to keep real estate taxes lower for existing properties by adding to the inventory of taxable improvements.	
Will this Project affect the City's Operating Costs No.	
What Alternatives Exist and what are the Implications of the Alternatives Council may accept, reject, or modify all or any part of the recommendations, and make a determination for continuance, modification, or termination of any affected agreement(s).	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Passage before 12/31/2019 is recommended.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Jonathan Millea	Date: November 14, 2019

Approved for Agenda Yes No

RESOLUTION NO. 2019-69

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT TO JOIN BUCKEYE OHIO RISK MANAGEMENT ASSOCIATION BENEFITS POOL (BORMA) FOR THE FURNISHING AND ADMINISTRATION OF EMPLOYEE HEALTHCARE BENEFITS.

WHEREAS, the Director of Administration, in consultation with the Human Resources Manager, has recommended entering into a contract with Buckeye Ohio Risk Management Association Benefits Pool (BORMA) for health care management services related to the group health plan for city employees, the cost of which is included in the annual budget for FY 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the Director of Administration is hereby authorized to enter into a contract for the City of Wooster to become a member of Buckeye Ohio Risk Management Association Benefits Pool (BORMA) for health care management services related to the group health plan for employees of the City of Wooster. The City of Wooster will have access to all programs, services, and benefits that are available to other members under the current governing documents of BORMA. The cost of the contract will be payable from the appropriate line item in the various departmental or divisional budgets.

SECTION 2. The Director of Administration is hereby authorized and directed to execute all documents on behalf of the City of Wooster and do all other things necessary and consistent with this Resolution to effectuate its purpose.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this resolution occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary to provide this important service to city employees; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 11-18-19 2nd reading _____ 3rd reading _____

Passed: _____, 2019

Vote: _____

Attest: _____

Clerk of Council

President of Council

Approved: _____, 2019

Mayor

Introduced by: Jon Ansel



538 N. Market Street * P.O. Box 1128
Wooster, Ohio 44691-3406



Joel Montgomery, PE, ICMA-CM

Director of Administration

Phone (330) 263-5244

Fax: (330) 263-5247

Email: jmontgomery@woosteroh.com

MEMO

To: City Council
From: Joel Montgomery, Director of Administration
CC: Mayor, Finance Director, Law Director, HR Manager
Date: 11/13/19
Re: **Summary for Health Insurance changes for 2020
Resolutions 2019-69, and 2019-70**

Dear Councilpersons,

Annually, the City evaluates our insurance benefit plans to manage cost, reduce risk and continue to offer comparable benefits to our employees. As we have done periodically in the past, it became clear the City was going to have to make some type of adjustment to control costs going forward. Health insurance costs, third party administration, and costs for stop-loss coverage continue to rise.

Through our health insurance consultant and broker, carriers providing medical insurance and stop-loss coverage were given the opportunity to provide the City a quote for 2020 and beyond. The result of those quotes came back as either not comparable or not competitive with our current rates and coverages. As a result of the response, the best option for the City to manage costs and reduce risk is to join a risk management pool for medical insurance. The risk management pool, BORMA (Buckeye Ohio Risk Management Association), is made up of 14 other municipalities and public entities in Ohio that have come together to purchase insurance as a group to manage cost. Joining BORMA will allow the City to offer the same coverage to employees without an increase for 2019.

The City has traditionally averaged an 8-10% increase in medical costs each year. BORMA members are averaging 4% increases. The BORMA plan is self-insured through the pool; however, the City would function under the plan as a fully insured. In addition to reducing risk and costs, another primary benefit of this option is that the City will no longer have to purchase stop-loss coverage or take on the risk of unexpected high dollar claims, but will still have a vote in plan changes.

The City will pay a flat premium for each employee based upon their level of coverage and plan choice. There will be no other administrative fees, stop-loss expense, deductibles or high claim costs or risk for the City.

This option is a win-win solution for the City as well as for our employees. Joining the BORMA group provides us with an insurance alternative that allows us to be the best stewards of citizen dollars.

Please let me know if you have additional questions or need further information, I would be happy to discuss in further detail.

Sincerely,

Joel Montgomery, PE, ICMA-CM

Director of Administration



City of Wooster

Carrier Solicitation List

Stop Loss

American Fidelity	Quoted - Uncompetitive
Anthem Stop Loss	Declined to Quote -Under 200 lives
Berkley	Quoted - Uncompetitive
Berkshire Hathaway	Declined to Quote -Under 200 lives
HCC	Declined to Quote - Uncompetitive Rates
Liberty Mutual	Declined to Quote - Uncompetitive Rates
Optum	Declined to Quote - Uncompetitive Rates
Pareto Captive	No Response
QBE	Quoted - Uncompetitive
RSLI	Declined to Quote -Under 250 lives
Sun Life	Declined to Quote - Uncompetitive Rates
Swiss Re	Declined to Quote - Uncompetitive Rates
Symetra	Declined to Quote - Uncompetitive Rates
Unum	Declined to Quote - Uncompetitive Rates
Voya	Declined to Quote -Under 250 lives

Administration

Aetna	Quoted - Uncompetitive Stop Loss
Anthem	Declined to Quote - Uncompetitive Rates
Cigna	Declined to Quote - Uncompetitive Rates
UMR	Quoted



RESOLUTION NO. 2019-70

A RESOLUTION APPOINTING A REPRESENTATIVE AND ALTERNATE TO SERVE ON THE BOARD OF DIRECTORS OF THE BUCKEYE OHIO RISK MANAGEMENT ASSOCIATION BENEFITS POOL (BORMA)

WHEREAS, the Director of Administration has recommended entering into a contract with Buckeye Ohio Risk Management Association Benefits Pool (BORMA) for health care management services, as a member of BORMA, this legislative body is required to appoint one (1) person to represent the City of Wooster on the Board of Directors of BORMA and shall also appoint one (1) person to serve as an alternate representative when the initial representative is unable to carry out that representative's duties.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. The Director of Administration is hereby appointed to serve as this body's representative on the BORMA Board of Directors.

SECTION 2. The Human Resources Manager is hereby appointed to serve as this body's alternate representative on the BORMA Board of Directors when the initial representative appointed in Section 1 of this Resolution is unable to carry out his/her duties.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this resolution occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary to provide this important service to city employees; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 11-18-19 2nd reading _____ 3rd reading _____

Passed: _____, 2019 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2019
Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2019-24

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL ESTATE AND DECLARING AN EMERGENCY

WHEREAS, this City Council, acting upon the recommendation of the City Administration, has determined that it is in the best interests of the municipal government to purchase a certain parcel of real estate located at 246 South Buckeye Street, Wooster, Ohio (Wayne County Parcel 64-01872.000); and

WHEREAS, prompt action is necessary in order to take advantage of pending purchase proposals.

WHEREAS, it is necessary to appropriate \$79,102.00 to purchase the property; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. The amount of \$79,102.00 in the unappropriated general fund (001) be and is hereby appropriated to the interfund cost center, with a related transfer to the capital improvements fund (301 where it is hereby appropriated,,

SECTION 2. The Director of Administration is authorized to purchase, in the name of the City of Wooster, the following parcel of real estate, and that he is authorized to execute any necessary documents in connection with such purchase:

246 South Buckeye Street, Wooster, Ohio (Wayne County Parcel 64-01872.000)

SECTION 3. The amount of such purchase will not exceed \$79,102.00, plus costs related or incidental to closing; and such amount is payable from the Capital Improvements Fund.

SECTION 4. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 5. This Ordinance is declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City; or providing for the usual daily operation of a municipal department or division and for the further reason that prompt action is necessary to authorize the purchase in order to secure the site for the construction of future development; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2019

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2019

Mayor

Introduced by: Jennifer Warden

ORDINANCE NO. 2019-25

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL ESTATE, AND DECLARING AN EMERGENCY

WHEREAS, this City Council, acting upon the recommendation of the City Administration, has determined that it is in the best interests of the municipal government to purchase two parcels of real estate located at 230 and 238 South Buckeye Street, Wooster, Ohio (Wayne County Parcels 64-01247.000 and 64-01248.000); and

WHEREAS, prompt action is necessary in order to take advantage of pending purchase proposals.

WHEREAS, it is necessary to appropriate \$120, 000.00 for the purchase the two properties; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. . That the amount of \$120,000.00 in the unappropriated general fund (001) be and is hereby appropriated to the interfund cost center, with a related transfer to the capital improvements fund (301), where it is hereby appropriated,

SECTION 2. That the Director of Administration is authorized to purchase, in the name of the City of Wooster, the following parcels of real estate, and that he is authorized to execute any necessary documents in connection with such purchase:

230 and 238 South Buckeye Street, Wooster, Ohio
(Wayne County Parcels 64-01247.000 and 64-01248.000)

SECTION 3. The amount of such purchase will not exceed \$120,000.00, plus costs related or incidental to closing; and such amount is payable from the Capital Improvements Fund.

SECTION 4. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 5. This Ordinance is declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City; or providing for the usual daily operation of a municipal department or division and for the further reason that prompt action is necessary to authorize the purchase in order to secure the site for the construction of future development; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.



Jonathan S. Millea, AICP, CEcD
 Development Coordinator
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 Fax: (330) 263-5247
 Email: jmillea@woosteroh.com

538 N. Market Street * P.O. Box 1128
 Wooster, Ohio 44691-3406

MEMO

To: Wooster City Council, City Administration
From: Jonathan Millea, Development Coordinator
CC: Mr. Tim Monea – Division of Building Standards, Mr. Jeff Battig – Community Services, Ms. Sandra Hull, Main Street Wooster
Date: 11/8/2019
Re: **Community Center Property Agreements - Confidential**

Following earlier conversations, the City has successfully secured an agreement to purchase properties at 230 and 238 S. Buckeye Street for the previously discussed amount of \$120,000. The project will allow the City to remedy long-standing property maintenance and safety concerns while also adding over a half an acre to the Community Center campus, making future expansion of the site possible. Both structures are currently vacant. The agreement is contingent upon approval from Wooster City Council at the December 2, 2019 regularly scheduled meeting (a suspension of the rules will be necessary for the acquisition). The Seller will be permitted to salvage certain materials from the buildings prior to demolition, which if the sale is approved, would occur in January.

Separately, the City secured a purchase agreement on 246 S. Buckeye Street for \$79,102 after the property was listed for sale earlier this week. Please see the map on the following page for the overall site's current status (yellow properties are under agreement contingent upon Council's approval, green indicates that the property is already owned by the City).

Community Center Acquisition Status as of 11/8/2019:



The property had been for sale earlier this week at \$70,000 on the multiple-listing service. The City submitted a written offer within 24 hours, as did another interested party. As is common practice, the Seller requested a second round of offers. The City's offer of "\$76,000 or \$1,002 over Seller's highest

documented offer” was accepted over a second offer of \$78,000. Pending on Council’s approval on December 2, 2019, the agreement would be scheduled to close the second week of December. As part of the offer, the Seller, who grew up in the home before turning it into a rental, will salvage some fixtures ahead of closing. If demolition is not immediately needed for this property, staff will propose alternative options for the property until the land would be needed to accommodate the Community Center’s expansion.

Lastly, as an update to Council’s approval for the acquisition of a renter-occupied duplex at 228 E. Henry Street for \$60,000, staff is moving forward with demolition of the structure. Tenants vacated earlier in the week and utilities were turned off today. Health and safety concerns have necessitated the Building Department to move ahead with demolition, which is anticipated in the next several days.

Due to ongoing efforts to secure additional real estate, we ask that this information please be kept confidential until announced in the public agenda. Staff is available to answer any specific questions on the agreements in place today.

This office enthusiastically recommends Council’s authorization for these acquisitions on December 2, 2019. Thank you!

Sincerely,

Jonathan Millea, AICP, CE&D

Development Coordinator

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Finance/Maintenance	Meeting Date Requested 12/02/2019
Project Name SCMR Appropriation	Estimated Total Funds/Costs \$213,000
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
Description of Request This ordinance will appropriate the additional gas tax receipts [in the Street Construction Maintenance & Repair Fund] from the July 1, 2019 gas tax increase. To be used for maintenance costs.	
Justification / Benefits	
Will this Project affect the City's Operating Costs Not general fund.	
What Alternatives Exist and what are the Implications of the Alternatives	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain The Circumstances: N/A	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Requesting passage before end of 2019.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Andrei Dordea	Date: 11/26/2019

Approved for Agenda Yes No

ORDINANCE NO. 2019-27

AN ORDINANCE TO AMEND SECTION 743
OF THE CODIFIED ORDINANCES REGARDING
REGULATION OF TAXICABS AND DECLARING AN
EMERGENCY

WHEREAS, the Director of Administration, in consultation with the Chief of Police, is recommending approval of the amendments to City Council; and

WHEREAS, the proposed amendments will improve the efficiency, availability, and ease of use of taxicab services in the City of Wooster, and clarifies requirements for obtaining a taxi driver's license, by incorporation of relatively minor adjustments; and

WHEREAS, the codification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wooster, Ohio:

SECTION 1. That the following sections are hereby amended, enacted or repealed as respectively indicated in accordance with the recommendations of the Planning Commission and as more fully described in the documents attached to this ordinance:

Chapter 743 (Taxicabs).

SECTION 2. The complete text of the sections of the Codified Ordinances listed above are set forth in full in the documents attached to this ordinance as Exhibit A. As provided in Section 2.19 of the Charter, notice of the proposed revision of the Codified Ordinances shall be published one time in a newspaper of general circulation in the City at least seven days prior to its final approval and no other publication thereof shall be required.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 4. This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City, and for the further reason that this resolution is required to be immediately effective in order to improve the efficiency, availability, and ease of use of taxicab services to the residents of this City; wherefore, this resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor, provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2019

Vote: _____

Attest: _____

Clerk of Council

President of Council

Approved: _____, 2019

Mayor

Introduced by: Craig Sanders

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Admin	Meeting Date Requested 12-2-19
Project Name Amendment of WCO 743: Taxicabs	Estimated Total Funds/Costs
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <u>N/A</u> If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
Description of Request Amendment to Wooster Codified Ordinance Section 743: Taxicabs. Specifically, amendment of Section 743.07 (Identification of Taxicabs) to allow for more reasonable regulation under Section 743.03 (Director May Promulgate Regulations), and encourage additional transportation companies to offer services to the residents of Wooster. The amendments to Wooster Codified Ordinance Section 743.09(d) also clarify which offenses are disqualifying for persons wanting to obtain a taxi driver's license in the City of Wooster. A full description of the proposed amendments can be found as Exhibit A to the proposed ordinance.	
Justification / Benefits These changes are intended to encourage additional transportation companies to offer services in Wooster, and clarify licensing requirements for all types of transportation, including taxis, medical transportation, and other public transportation. The current list of disqualifying offenses is over-inclusive and (for example) prohibits a person with a misdemeanor drug conviction from ever obtaining a taxi driver's license—even though the State of Ohio has no similar law. Several companies are now operating within the City providing services under the state's Medicaid administered programs, and these changes will conform to those requirements.	
Will this Project affect the City's Operating Costs No.	
What Alternatives Exist and what are the Implications of the Alternatives WCO Section 743 will continue to include burdensome requirements for the identification of taxicabs and the disqualifying offenses that bar the issuance of taxi driver's licenses will be over-inclusive.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Joel Montgomery	Date: 11-26-19
Approved for Agenda <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

WCO CHAPTER 743

Taxicabs

- 743.01 Definition.
- 743.02 Taxicab and taxi driver's licenses required.
- 743.03 Director may promulgate regulations.
- 743.04 Annual taxicab license fee.
- 743.05 Issuance of taxicab license.
- 743.06 Taxicab reserved standing or parking places.
- 743.07 Identification of taxicabs.
- 743.08 Posting of rates in vehicle.
- 743.09 Taxi driver's license.
- 743.10 Display of taxi driver's license.
- 743.11 Suspension of taxicab or taxicab driver's license.
- 743.12 Appeal of license suspension.
- 743.99 Penalty.

CROSS REFERENCES

- Power to regulate - see Ohio R.C. 715.22, 715.66
- Power to establish stands and fix rates - see Ohio R.C. 715.25
- Chauffeur's license not required - see Ohio R. C. 4501.01
- Operation by minor prohibited - see Ohio R. C. 4507.321
- Operation and equipment - see TRAF. CODE
- Use of taxicab and bus stands - see TRAF. 351.10

743.01 DEFINITION.

Unless otherwise expressly stated, when used in this chapter the following terms shall have the meanings provided in this section:

- (a) "City" shall mean the City of Wooster, Ohio.
- (b) "Director" shall mean the Director of Administration of the City of Wooster or his/her designee.
- (c) "Street" means any public street, alley or public way within the corporate limits of the City of Wooster.
- (d) "Taxicab company" means every corporation, company, association, joint stock association, person, firm or partnership, their lessees, trustees, receivers or trustees appointed by any court, owning, controlling, operating, maintaining or managing three or more taxicabs within the City of Wooster.
- (e) "Taxi" or "Taxicab" means any motor driven vehicle engaged in the business of carrying passengers for hire or fare or offered for hire or fare (including the solicitation or acceptance of donations) to the public for transportation, operating within the City of Wooster, except motor buses on regular schedules and other regularly established routes.
- (f) "Taxi driver" means any person who drives or operates a taxicab for hire or fare and who is in actual physical control of a taxicab on the streets of the City of Wooster.
- (g) "Taxicab stand" means any portion of the street and curb space set apart for and designated as space for the standing of taxicabs in conformity with provisions of this chapter.

(Ord. 2015-08. Passed 4-7-15.)

743.02 TAXICAB AND TAXI DRIVER'S LICENSES REQUIRED.

No person shall operate a taxicab for hire in the City unless a valid taxicab license is in effect for the taxicab, and the driver thereof possesses a valid taxi driver's license.

(Ord. 2015-08. Passed 4-7-15.)

743.03 DIRECTOR MAY PROMULGATE REGULATIONS

The Director, in consultation with the Chief of Police, may from time-to-time promulgate regulations for the operation of taxicabs within the City. Such regulations will be published and made available to those who may request a copy thereof.

(Ord. 2015-08. Passed 4-7-15.)

743.04 ANNUAL TAXICAB LICENSE FEE.

Every person engaged in the business of operating one or more taxicabs shall pay to the Director an annual license fee in accordance with the schedule of fees established by the Director pursuant to Chapter 1347 of the Codified Ordinances, and shall comply with all provisions of this chapter and any other ordinance pertaining to the regulation of taxicabs.

(Ord. 2015-08. Passed 4-7-15.)

743.05 ISSUANCE OF TAXICAB LICENSE.

The Director shall issue an annual taxicab license for each taxicab operated in the City, provided that proof is furnished that the following requirements have been met for each taxicab:

- (a) Fee required by Section 743.04 shall have been paid;
- (b) Vehicle identification shall comply with Section 743.07;
- (c) Vehicle must meet all motor vehicle equipment, safety and accessibility requirements of these Codified Ordinances, the Ohio Revised Code, and relevant federal laws;
- (d) Vehicle must be covered by public liability insurance in amounts of coverage established by the City Finance Director; and
- (e) Such other requirements as the Director, in consultation with the Chief of Police, may from time-to-time adopt.

(Ord. 2015-08. Passed 4-7-15.)

743.06 TAXICAB RESERVED STANDING OR PARKING PLACES.

The Director, in consultation with the Traffic Commission, is authorized to establish such reserved parking or standing spaces on the public streets for the exclusive use of taxicabs as will serve the best interests of the public.

(Ord. 2015-08. Passed 4-7-15.)

743.07 IDENTIFICATION OF TAXICABS.

- (a) Every person owning and operating a taxicab who obtains a license from the City may adopt any trade name, design, color scheme or method of painting, magnetic sign or lettering such taxicab as is approved by the Director. Such trade name, design, color

scheme or method of painting, magnetic sign or lettering shall comply with the regulations established in Section 743.03. ~~include the following matter:~~

~~—(1)— A serial number assigned by the Director to each taxicab and painted on each side and on the rear of the taxicab.~~

~~—(2)— The name of the owner or the trade name under which he does business, painted on each side of the taxicab.~~

~~—(b)— Whenever the name of the owner or the trade name under which he does business does not include any one of the words "taxicab," or "taxi," or ".cab," then the word "taxicab" shall be painted on each side of the taxicab immediately beneath such name.~~

~~—(c)— Whenever any person owning or operating taxicabs does not adopt and use an approved trade name, design, color scheme or method of painting and lettering as hereinabove mentioned, then it shall be mandatory for such person to paint the following matter on his taxicabs:~~

~~—(1)— A frame panel no less than fifteen inches wide by twenty inches high, painted on each side of the taxicab, and enclosing on separate lines the name of the owner, the word "taxicab," and the serial body number assigned by the Director.~~

~~—(2)— The serial body number assigned to the taxicab by the Director, painted on the rear exterior of the taxicab.~~

~~—(d)— All mandatory lettering and working, whether in a particular trade name, design, color scheme, method of painting or lettering, or otherwise, as hereinabove provided, shall be at least three inches in height, and of such color as will contrast distinctly with the body color. The serial body numbers on the sides and rear shall be no less than four inches in height.~~

~~(Ord. 2015-08. Passed 4-7-15.)~~

743.08 POSTING OF RATES IN VEHICLE.

It shall be the duty of each taxicab owner to cause to be posted in a conspicuous place within the vehicle a placard containing in legible words and numbers the name of the taxicab company; the rates in effect; and a telephone number that a customer may call to discuss questions or concerns pertaining to the operation of the taxicab.

(Ord. 2015-08. Passed 4-7-15.)

743.09 TAXI DRIVER'S LICENSE.

(a) Every driver of a taxicab which operates in the City must possess a valid taxicab driver's license issued by the Director in accordance with this chapter.

(b) Every applicant for a taxi driver's license shall pay to the Director a license fee in accordance with the schedule of fees established by the Director pursuant to Chapter 1347 of the Codified Ordinances at the time the original or renewal application is filed.

(c) Upon verification that the applicant has paid the necessary license fee and meets all requirements of this chapter, the Director shall issue a taxi driver's license,

which shall include a photograph of the licensee. Such license will be valid for a period of one (1) year, and must be renewed annually.

(d) Every applicant for a taxi driver's license must present acceptable proof to the Director that s/he meets the following license requirements before a license may be issued, and s/he must continue to meet these requirements in order for any license issued to remain valid:

- (1) At least eighteen (18) years of age;
- (2) Possess a valid Ohio motor vehicle operator's license;
- (3) Have no more than six points on his/her driver's record as established by Ohio R.C. 4507.40;
- (4) Have no convictions for a disqualifying offense as outlined in Ohio Administrative Code, Section 5160-45-11 (Medicaid Administered Programs) felony or a misdemeanor offense of violence; or a felony or misdemeanor offense involving alcohol or drugs; or a felony or misdemeanor sex offense or otherwise involving an offense of moral turpitude, or a conviction of driving while under the influence of alcohol and/or a controlled substance during the past six years, as determined by submitting, at the applicant's expense, fingerprints for an FBI (federal) and BCI (civilian) criminal records check completed by the Bureau of Criminal Identification and Investigation (BCI-4). (Ord. 2015-08. Passed 4-7-15.)

743.10 DISPLAY OF TAXI DRIVER'S LICENSE.

Every person driving a taxicab in the City shall post his/her taxicab driver's license within the taxicab in a position where it may clearly be read by passengers in the vehicle.

(Ord. 2015-08. Passed 4-7-15.)

743.11 SUSPENSION OF TAXICAB OR TAXICAB DRIVER'S LICENSE.

At any time the Director becomes aware of the failure of a taxicab owner to meet the requirements of Section 743.05 for any taxicab(s) or of the failure of any taxicab driver to meet the requirements of Section 743.09, s/he shall suspend the taxicab or taxicab driver's license by notifying the license holder by certified mail at the address shown on the license application. Such license may be reinstated by the Director at such time as all requirements of this chapter are met.

(Ord. 2015-08. Passed 4-7-15.)

743.12 APPEAL OF LICENSE SUSPENSION.

Any license holder whose license is suspended in accordance with Section 743.11 above, may appeal such suspension by notice to the Director in writing and mailed or delivered to the Director within ten (10) days of the receipt of the notice of suspension. Upon receipt of such notice, the Director shall schedule a hearing to be held not later than five (5) days after receipt of the notice of appeal. Within five (5) days following the hearing, the Director shall mail notice of his/her decision by first class mail to the license holder.

(Ord. 2015-08. Passed 4-7-15.)

743.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor, and a separate offense shall be deemed to occur on or during each day on which a violation occurs.

(Ord. 2015-08. Passed 4-7-15.)